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10/695,054	10/28/2003	Gustavo R. Paz-Pujalt	80026ARLO	5969

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EXAMINER

RODRIGUEZ, LENNIN R

ART UNIT	PAPER NUMBER
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2625

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/695,054

Applicant(s)

PAZ-PUJALT ET AL.

Examiner

Lennin R. Rodriguez

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/28/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The preliminary amendment filed on 10/30/2006 has been entered.

Drawings

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description:

(1) **129, 130 and 126** in Fig. 1 in relation with central receiving agency; they have been disclosed with regard to a local print station 120.

Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description:

(1) page 6, line 26, page 7, lines 1, 2, 26, 29, reference number "**232**";

(2) page 6, line 26, page 7, lines 1, 5, 7, 9, 10, reference number "**235**".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the examiner does not accept the changes, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

4. Claim 13 is objected to because of the following informalities:

(1) claim 13, line 2, "authorizes the **and** printing" should be either "authorizes the printing" or "authorizes the **sending** and printing".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-3, 5-8 and 10-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Shiota et al. (US Patent 6,324,521).

(1) regarding claim 1:

Shiota '521 discloses a method of printing hardcopy images (column 1, lines 62-65, where the laboratory has a printer capable of outputting hardcopies), comprising:

(a) electronically transmitting a plurality of digital images (column 2, lines 55-60, where a dedicated line, a dial-up connection or a LAN transmit information electronically) and information identifying the locations of a plurality of recipients (column 4, lines 50-55, where the addresses of recipients are included in the instruction information) from a remote location (Fig. 7, column 11, line 44, where the friend house is overseas) over a communications channel to a central receiving agency (column 2, lines 55-65, where a dedicated line, a dial-up connection or a LAN are the communication channels, and the center server is the equivalent to a central receiving agency);

(b) storing the plurality of digital images (column 2, lines 62-64) and the information identifying the locations of a plurality of recipients (column 4, lines 50-55, where the addresses of recipients are included in the instruction information) in a memory at the central receiving agency (column 1, lines 17-18, column 10, line 61, using the disc in the center server);

(c) a user selecting a recipient (column 11, lines 53-62, where the customer specifies the laboratory where he wants the prints received) and selecting a particular stored digital image from the plurality of digital images (column 11, 53-60, where the user order extra printouts thus making a selection among the stored pictures), and authorizing the printing of the particular stored digital image (column 11, lines 53-66, column 12, lines 1-3, where after selecting the images and the recipient, is clear that the printout is authorized by the client);

(d) using the information identifying the location of the recipient (column 4, lines 50-55, where the addresses of recipients are included in the instruction information) to select a local printing station for the recipient from a plurality of local printing stations (column 5, lines 23-31, where the service center selects the laboratory specified by the order information);

(e) transmitting the particular digital image to the selected local printing station (column 3, lines 38-43, transfer); and

(f) printing the particular stored digital image at the selected local printing station to produce a hardcopy image (column 12, lines 18-24, where the printed pictures are provided to the customer).

(2) regarding claim 2:

Shiota '521 further discloses delivering the hardcopy image from the local printing station to location of the recipient (column 11, line 57, print of a picture and column 11, lines 64-66, air mail).

(3) regarding claim 3:

Shiota '521 further discloses wherein the delivery is provided by a postal service (column 7, lines 20-21, mail).

(4) regarding claim 5:

Shiota '521 further discloses wherein the hardcopy is packaged prior to delivery (column 7, lines 20-21, where it is inherent that before sending a package or a document through mail it has to be packaged as can be shown in Arbach et al. (US patent 5,338,068, column 2, lines 50-53).

(5) regarding claim 6:

Shiota '521 further discloses wherein the particular stored digital image is modified before it is transmitted to the selected local printing station (column 4, lines 55-60, where manipulated is the equivalent of modified).

(6) regarding claim 7:

Shiota '521 further discloses wherein the modified particular stored digital image is stored in the memory at the central receiving agency (column 5, lines 48-52, where the center server stores a version of the modified image).

(7) regarding claim 8:

Shiota '521 further discloses wherein the user authorizes the printing by providing an authorization code (column 8, lines 9-16, where the password is the authorization code).

(8) regarding claim 11:

Shiota '521 further discloses wherein the user authorizes the sending of the image to two or more different recipients (column 12, lines 18-24, where the user authorizes the images to be deliver to his friend and himself).

(9) regarding claim 12:

Shiota '521 further discloses wherein the image is printed at different locations for different recipients (column 12, lines 18-24, where printing is performed in two different minilabs: minilab 3a for the user himself and minilab 3b for his friend).

(10) regarding claims 10 and 13:

Shiota '521 further discloses wherein the user authorizes the sending and printing of text, graphics or both with the image (column 5, lines 12-18, where the template contains a background image, which is well know that the background images are graphics).

(11) regarding claim 14:

Shiota '521 further discloses wherein the central receiving agency stores graphics that are accessible to the user for ordering the printing of images and graphics 9column 5, lines 7-10, where the templates may be stored in the center server).

(12) regarding claim 15:

Shiota '521 further discloses wherein the central receiving agency verifies that an image is suitable for printing and sending to a recipient (column 2, lines 21-32, where there is a predetermined format for the order input and if it is not meet the order may be converted automatically into the correct format, thus a clear indication of a verification of the suitability of the image).

Claim Rejections - 35 USC § 103

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US Patent 6,324,521).

Shiota '521 discloses in the network photograph service system of the present invention, as shown in FIG. 1, a customer, a service center which receives an order, and a minilab or a special laboratory with special equipment can all communicate via a network. On this occasion, since the service center and the special laboratory need to communicate especially frequently, they use high-speed lines so that they can handle more orders promptly (column 7, lines 37-44).

Shiota '521 further discloses when the center server transmits the order information to the laboratory selected as described above, it records the content of the order and calculates a data storage fee, a communication charge and the like to be paid to each laboratory by periodically summing up the amount of data transferred. In this manner, transactions between the center server and each laboratory, or between the laboratories, are managed. This management is carried out in this manner, because each laboratory can gain an appropriate profit by printing or by storing digital image data

of its customers. Such data are obviously used in a charge billing system to customers as well (column 9, lines 28-39).

However, Shiota '521 fails to particularly pointing out wherein the remote printing station notifies the central receiving agency that the hardcopy image has been delivered.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the remote printing station notifies the central receiving agency that the hardcopy image has been delivered as taught by Shiota '521. This particular feature of communication of the job completion to the central server could reasonably be think by a person of ordinary skill, since the teachings show that the laboratories are in constant communication with the central server and since the central server is the one that takes charge of calculating a fee for the service, it could be necessary to inform the central server that the service is complete in order to make the appropriate billing for the customer. Also, since the central server maintains a control of the operation of the laboratories, it would be necessary that the laboratory informs the central server of all the operations being held.

8. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Shiota et al. (US Patent 6,324,521) as applied to claims above, and further in view of Cole (US Patent 5,850,217).

Shiota '521 discloses all the subject matter as described above except wherein the authorization code is linked to a credit card number.

However, Cole '217 teaches wherein the authorization code is linked to a credit card number (column 1, lines 64-67 and column 2, line 1, where an authorization code is always related or linked to a credit card number).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made that the authorization code is linked to a credit card number as taught by Cole '217, in the system of Shiota '521. With this the security of the transactions made with credit card can be increase, a feature that is well appreciated by customer because of possible stealth of identities or problems related with that, also the reliability of the system and the trust of people can be guaranteed thus increasing the amount of customers too.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lennin R. Rodriguez whose telephone number is (571) 270-1678. The examiner can normally be reached on Monday - Thursday 7:30am - 6:00pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, King Poon can be reached on (571) 272-7440. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Lennin Rodriguez
8/2/07


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